IN RE: PETITION FOR ZONING VARIANCE
SE approx. 1225' of Intersec.
Lewis and Tyla Roads
(6828 Lewis Road)
11th Election District
6th Councilmanic District
* Case No. 89-313-A
Francis J. Ellwood, et ux
Petitioners
* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-313-A

FINDINGS OF ACT AND CONCLUSIONS OF LAW

.

The Petitioners herein request a variance to permit an accessory structure (garage) height of 20 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. Also appearing on behalf of the Petition was Joseph Larson with Spellman, Larson & Associates. There were no Frotestants.

Lewis Road, consists of 43,264 sq.ft. zoned R.C. 2 and is improved with a single family dwelling. Petitioners propose constructing a detached two story garage to house personal possessions as well as to protect antique automobiles. Petitioners testified that original plans called for a height of 14 feet. However, it was determined during construction that a greater height was needed to allow adequate storage space above the garage area. Petitioners testified the surrounding property is unimproved farm land. Petitioners further testified that they discussed their plans with adjoining property owners who indicated they have no objection. Testimony presented indicated the requested variance would not be detrimental to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Com-

APPLICATION FOR PERM OFFICE OF THE BUILDING ENGINEER TAX ACCOUNT 11-017-0111326 TOWSON, MARYLAND 21204 Duilding Address 6838 Lower Boad DATE ISSUED BUILDING PERMIT NO. DETRICT PRECIET Brances y Low Elleron Kailing Address 1533 Lowis Rd. Bridger MD. 21051 PLACE UNDER WORK TO BE DONE: "ZONING PROVISIONALLY APPROVES THIS PERMIT, IT IS CONDITIONED UPON THE GRANT OF THE REQUESTED IN ZONING CASE # ITEM 268. IF DENIED, THIS APPROVAL IS VOID AND THE PROPERTY MUST BE REPAIRED TO ITS ORIGINAL CONDITION. IF GRANTED AN UPDATED PERMIT APPLICATION MAY BE REQUIRED." OK JRH 1/3/89 ENGINEER OR ARCHITECT IF UNDER CONTRACT OF SALES GIVE SELLER'S NAME AND ADDRESS SES Your BORN 5525 E JOHN RI A. TYPE OF IMPROVEMENT C. TYPE OF USE RESIDENTIAL 01 ONE FAMILY · DYNEW BUILDING CONSTRUCTION DR. AMUSEMENT, RECREATION, PLACE OF ASSEMBLY 02 TWO FAMILY 2. ADDITION 00. T CHURCH, OTHER RELIGIOUS BUILDING 3. ALTERATION 03. THREE AND FOUR FAMILY 10. FENCE (LENGTH______ HEIGHT_________) 04. FIVE OR MORE FAMILY (ENTER NO UNITS ______ 11. INDUSTRIAL, STORAGE BUILDING S. . WRECKING IEHTER NO. UN . PARKING GARAGE 4. MOVING 13. SERVICE STATION, REPAIR GARAGE 14. HOSPITAL, INSTITUTIONAL, NURSING HOME Construct bear Vivo permit pancels 5. OFFICE, BANK, PROFESSIONAL 6. PUBLIC STILITY 7. SCHOOL, COLLEGE, OTHER EDUCATIONAL 3484-88 MIR change in charact of Full PARTIAL HONE

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B. OWNERSHIP/ PUBLICLY OWNED

TO PRIVATE WOMED 2 PUBLICLY OWNED 18. 🔲 SIGN 19. STORE MERCANTILE RESTAURANT 20 SWIMMING POOL (MD. HEALTH DEPT, APPR, REQ.) COMPLETE ALL ITEMS IN O AND 'E" FOR NEW BUILDINGS, ADDITIONS AND ALTERATIONS ONLY D. TYPE OF CONSTRUCTION E. RESIDENTIAL ONLY TYPE OF WATER SUPPLY 1. PUBLIC SYSTEM EXISTS PROPOSED 3. STRUCTURE STEEL SINGLE FAMILY UNITS PRIVATE SYSTEM EXTERS PROPOSED Z. WOOD FRAME 4. REINF. CONCRETE MULTI FAMILY UNITS TYPE OF HEATING FUEL IS THERE CENTRAL AIR CONDITIONING 3. ELECTRICITY 1. YES 2. NO 4. D COAL IS THERE AN INCINERATOR NO 2. YES - WITH AIR POLLUTION CONTROL TYPE OF SEWAGE DISPOSAL 3. YES - WITHOUT AIR POLLUTION CONTROL ENOGRASE DWT . 2. PRIVATE SYSTEM DEXISTS PROPOSED NO. OF ELEVATORS TO BE INSTALLED____ . THREE BEDROOMS OR MORE S. TOTAL NO. OF BEDROOMS 7. TOTAL NO. OF APARTMENTS _____ II MAYE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE, AND THAT HI DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY BUILDING SIZE - LARGEST OVERALL DIMENSIONS INCLUDING BASEMENT FLOOP AREA WIDTH DEPTH HEIGHT STORIES

LOT SIZE CENTER LINE LETAGES IFROM STREET CENTER CONTINUES SIDE STREET PLANNING 13 CAHJE FUNGENTRH 5/2009

BUHEAU OF PUBLIC SERVICES DEPARTMENT DEPARTM

NO PERMIT FEES REPURDED OCCUPANCY FEE

myproved.

INVESTIGATION FEE

of Section 307 of the <u>Baltimore County Zoning Regulations</u> (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of February, 1989 that the Petition for Zoning Variance to permit an accessory structure (garage) height of 20 feet in lieu of the maximum permitted 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the follow-

1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ing restrictions which are conditions precedent to the relief granted:

2) Petitioner shall not allow or cause the accessory structure to be converted to a second dwilling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

AMN:bjs

ANN M. NASTAROWICZ

Dirouty Zoning Commissioner

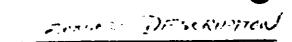
Baltimore County

CERTIFICATE OF PUBLICATION
TOWSON, MD.,
published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on fanuary 26, 1989. **THE JEFFERSONIAN,**
Publisher 74.86

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towner, Maryland		
District // The Posted for: // // // // // // // // // // // // //		Date of Posting 1/25/89
Petitioner: Fyon	ncis I. Ellubo	d, ofar
		intersection of Lower tylo Rds.
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	ore County: \$9-313-A operty situate in Baltimore County and which is ereto and made a part hereof, hereby petition for a
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20.£tin-beight-in-lieu-of-	the maximum allowable-15-fo
of the Zoning Regulations of Baltimore County, to	o the Zoning Law of Baltimore County; for the al difficulty)
1. Heed for storage space to store fu	rriture which is now in house Lasenent.
2. To store antique auto and classic	auto that ele hom outside.
3. To house parts and tools related to the Construct on on garage has already	begun, weather demage is possible.
	es prescribed by Zoming Regulations.
Property is to be posted and advertised to the land advertised to th	ariance advertising, posting, etc., upon filing of this
petition, and further agree to and are to be bot Baltimore County adopted pursuant to the Zonii	ng Law For Baltimore County,
	I/We do solemnly declare and amrm, under the penalties of perjury, that I/we are the legal owner(s) of the property
	which is the subject of this Petition. Legal Owner(s):
Contract Purchaser:	FRANCIS J. SLL, DOD NW18.
(Type or Print Name)	(Tipe or Print Name)
Signature	Signature DATE 5/24
Address	(Type or Print Name)
	Low E Elluzoo
City and State Attorney for Petitioner:	
À	Address
(Type or Print Name)	Baldwin Md 21013
Signature	City and State
Address	tract purchaser or representative to be contacted
City and State	Name
Attorney's Telephone No.:	
ORDERED By The Zoning Commissione	at the subject matter of this petition be advertised, as
County, on the day	A
County, on the day	m 106, County Office Building in Towson, Baltimore
County, on the day	of
County, on theday AtM. Baltimore County Zoning Commissioner	of
County, on the day Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204	of
County, on theday AM. Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines Zoning Commissioner	of
Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines Zoning Commissioner Mr. & Mrs. Francis J. Ellwood 6828 Lewis Road	In 106, County Office Building in Towson, Baltimore of
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Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines Zoning Commissioner Mr. & Mrs. Francis J. Ellwood 6828 Lewis Road	of
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County, on the	Date: 1/3/89 Dennis F. Rasmuss County Execute Tyla Road ilmanic et ux Y 10, 1989 at 9:00 a.m.
Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines Zoning Commissioner Mr. & Mrs. Francis J. Ellwood 6828 Lewis Road Baldwin, Maryland 21013 Re: Petition for Zoning Variance CASE NIMER: 89-313-A SE 1,225' from Intersection Lewis 6828 Lewis Road 11th Election District - 6th Counc. Petitioner(s): Francis J. Ellwood, HEARING SCHEDULED: FRIDAY, FEBRUARY Dear Mr. & Mrs. Ellwood: Please be advised that	Date: 1/31/89 Date: 1/31/89 Dennis F. Rasmuss County Execut In Tyla Road ilmanic et ux Y 10, 1989 at 9:00 a.m. See due for advertising and posting of fees must be paid prior to the hearing. (s) from the property from the time
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A DISTANCE OF 1225 FT PLONG THE CENTER LINE OF LEWIS RD.

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A DISTANCE OF 210 FT, THEN SOUTH WEST A DISTANCE OF 210 FT.

THEN BACK TOTHE POINT OF BEGINNING A DISTANCE OF 210 FT.

BEING A LOT RECORDED AS IN DEED LIBER GAB. 3223 FOLIO 093

MISO KMUCH AS 6828 CEWIS RD.

I ACCEPT FULL REPRESIBILITY FOR THE ACCURACY OF

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines

January 12, 1989

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance

CASE NUMBER: 89-313-A

SE 1,225' from Intersection Lewis & Tyla Road

6828 Lewis Road

11th Election District - 6th Councilmanic

Petitioner(s): Francis J. Ellwood, et ux

HEARING SCHEDULED: FRIDAY, FEBRUARY 10, 1989 at 9:00 a.m.

Variance to allow an accessory structure (garage) 20 ft. in height in lieu of the maximum allowable 15 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Mr. & Mrs. Ellwood

February 8, 1989

TO WHOM IT MAY CONCERN:

We the undersigned do hereby state that we have no opposition to the granting of the zoning variance requested in Case No. 89-313-A to build a garage 20' in height.

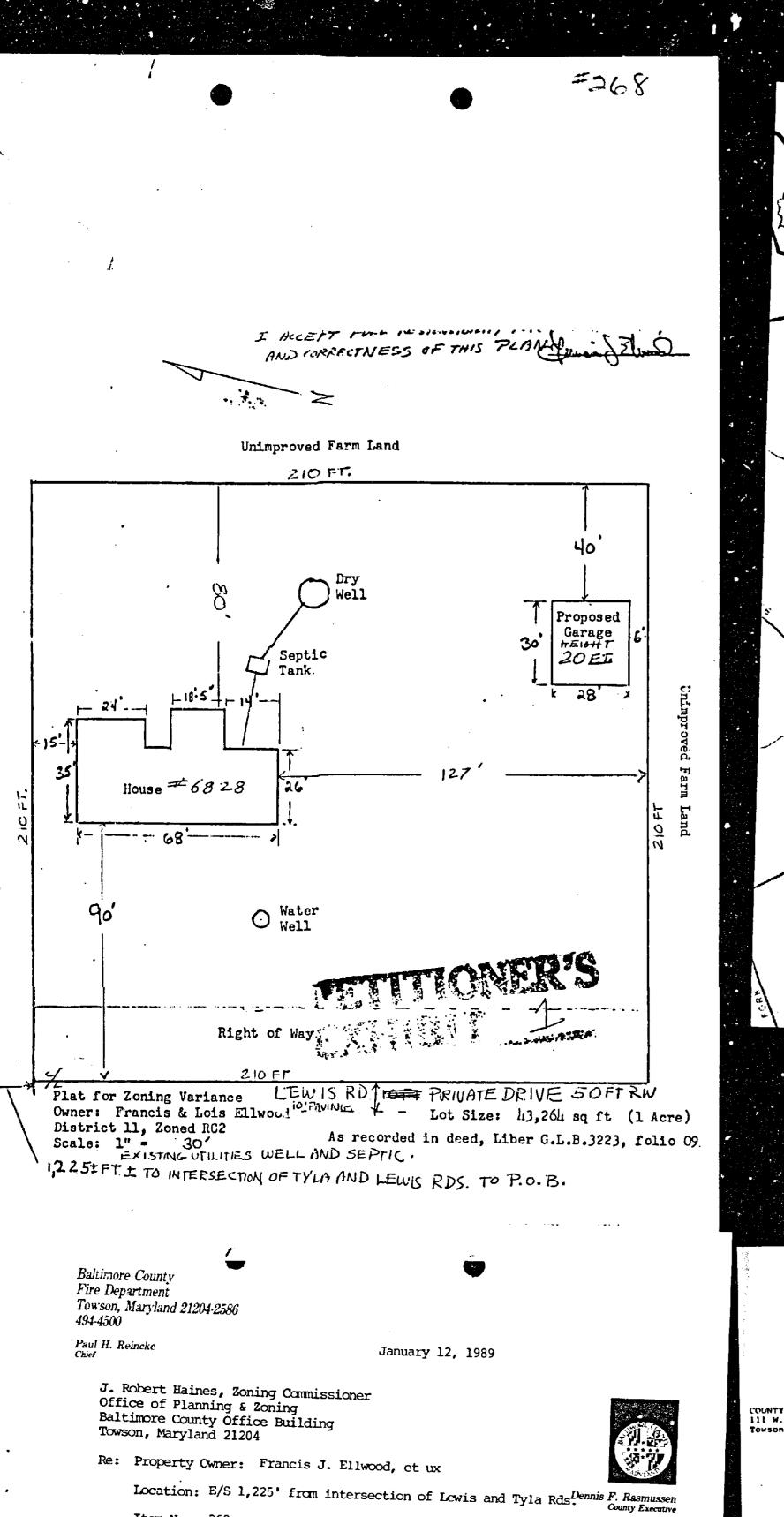
Edward & Sewis Jr.
EDWARD E. LEWIS. JR.
LEWIS ROAD

Martin H. Malion

Martin H. NELSON 6827 Lewis Road

Michael A. Lewis 6909 Lewis Road

PETTONER.



Item No.: 268 Zoning Agenda: Meeting of 1/10/89

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accor-dance with Baltimore County Standards as published by the Depart-ment of Public Works.

() 2. A second means of vehicle access is required for the site.

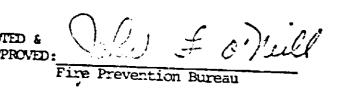
() 3. The vehicle dead end condition shown at _____ EXCEPDS the maximum allowed by the Fire Department.

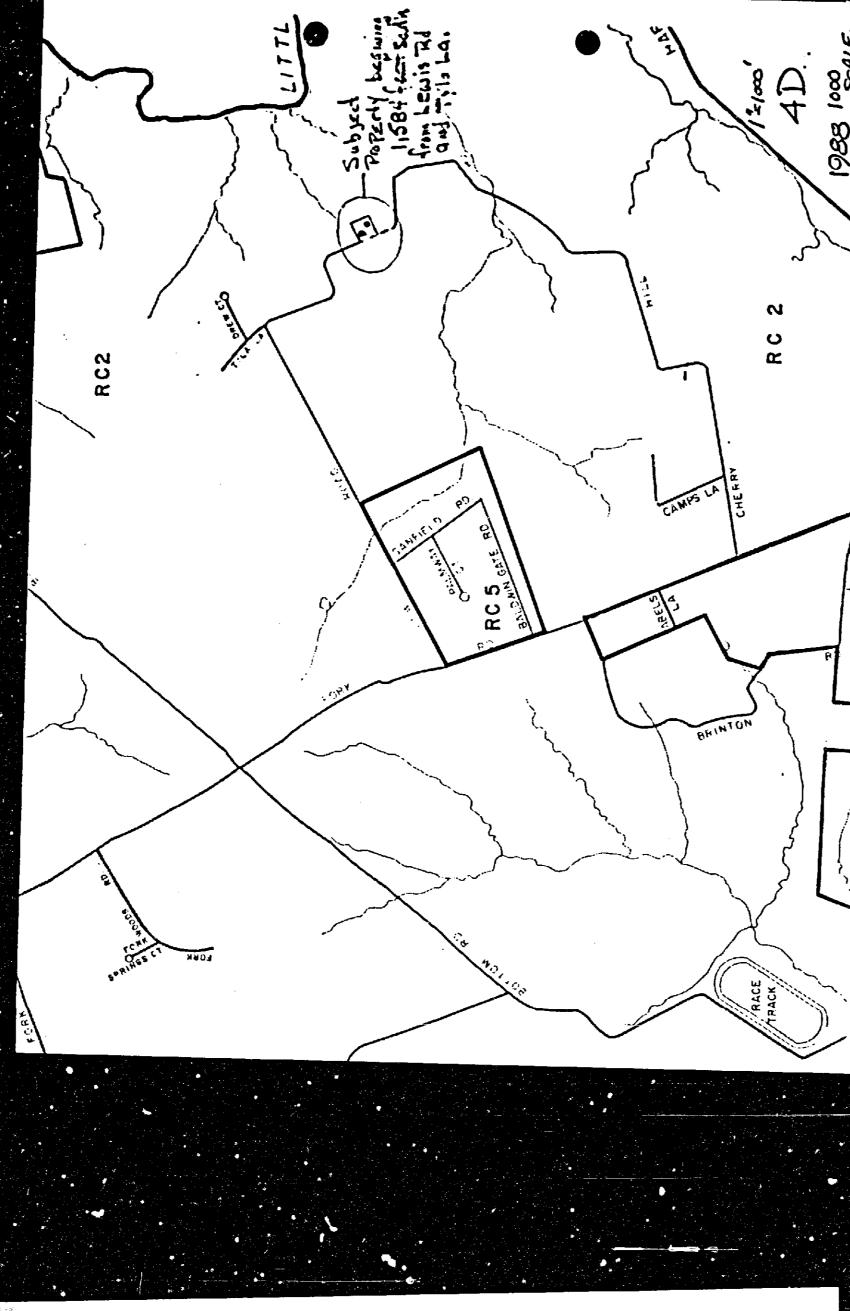
() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.





BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 31, 1989

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204 Mr. & Mrs. Francis J. Ellwood

to Bear

orpartment of Traffic Engineering

Bureau of Fire Prevention

Health Department

Project Planning

Building Department

Zoning Administration

Board of Education

State Roads Commission

6828 Lewis Road Baldwin, MD 21013

RE: Item No. 268, Case No. 89-313-A Petitioner: Francis J. Ellwood, et ux Petition for Zoning Variance

Dear Mr. Ellwood:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested

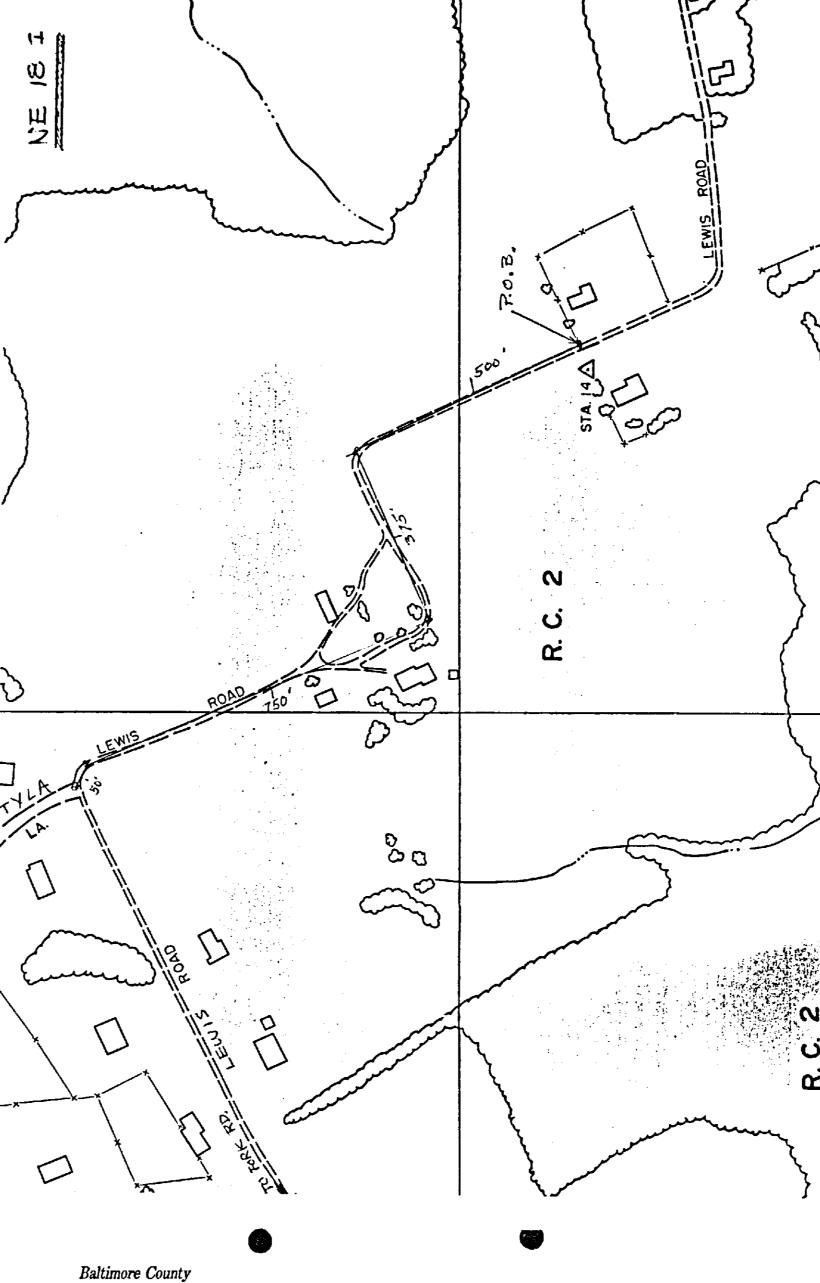
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Janes E. Dyerldt DAMES E. DYER Zoning Plans Advisory Committee

JED:dt

Enclosures



Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

January 17, 1989

Dennis F. Rasmussen

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 266, 267, 268 269, 270, and 271.

89-313-A
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this 27th day of December , 1988.

Petitioner Francis J. Fllwood Peceived by: James E. Dyer Chairman, Zoning Plans Petitioner's et ux Advisory Committee

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887 5353

J. Robert Haines
Zoning Commissioner

Attorney

February 22, 1989

Mr. & Mrs. Fancis J. Ellwood 6828 Lewis Road Baldwin, Maryland 21013

Dennis F. Rasmussen RE: PETITION FOR ZONING VARIANCE SE approx. 1225' of the Intersection of Lewis and Tyla Roads (6828 Lewis Road) 11th Election District - 6th Councilmanic District Francis J. Ellwood, et ux - Petitioners Case No. 89-313-A

Dear Mr. & Mrs. Elwood:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 49:-0301.

Very truly yours,

12 MAlesteranies

A'N:bjs cc: People's Counsel

File

ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County